

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 11249 of 2004

Between:

1 Pacha Sudhakar, S/o P. Chennaiah,
2 Pacha Masthanamma, W/o Polaiah,
3 Pacha Chennamma, W/o Basavaiah,
4 Kodirekkala Narasamma, W/o Siddaiah,
(All are r/o Mamata Nursing Home Street, Ramalingapuram, Nellore
Town & District).

..... PETITIONERS

AND

1. The Commissioner, Nellore Municipality,
Nellore, Nellore District.
2. Jalli Padmakar, S/o. J. Prasad, Advocate,
R/o. D. No.16/2777, Mamata Nursing Home Street,
Ramalingapuram, Nellore, Nellore District.
(R-2 impleaded as per Court order dt.10.9.2004
in WPMP No.17611 of 2004)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of mandamus directing the first Respondent herein not to interfere with the peaceful possession and enjoyment of the properties of the Petitioners situated at Mamata Nursing Home Street, Ramalingapuram, Nellore, by declaring the action of the Respondent in threatening to demolish the petitioners' properties as illegal and arbitrary.

Counsel for the Petitioner: MR.P.RAVI KIRAN

**Counsel for the Respondent No.1: MR.SRINIVAS DAMMALAPATI,
Standing Counsel**

Counsel for the Respondent No.2: MR. T.N.M. RANGA RAO

The Court made the following:

ORDER:

The four petitioners are residents of Ramalingapuram in Nellore town. They allege that they own houses in Mamata Nursing Home Street and are paying taxes to the first respondent-Municipality. They further allege that on 21.6.2004, the Municipal Building Inspector came to their premises and threatened to demolish the houses with Bulldozer without giving a notice and without any reason. They gave a representation to the first respondent on 22.6.2004, in vain, and therefore, they filed the present writ petition seeking direction to the respondents not to interfere with the peaceful possession and enjoyment of the property.

This Court admitted the writ petition and passed interim orders directing *status quo*. When the matter is called at interlocutory stage for passing appropriate orders in WPMP No.17611 of 2004 filed by a third party, the learned Standing Counsel for Municipality brought to my notice that Municipality has not initiated any action for acquiring the land for laying the road. He also submits that the Municipality has not initiated any action for dispossessing the petitioners and that as and when the petitioners are to be dispossessed from the land, it shall be done by following the due procedure under Land Acquisition Act, 1894. The same is recorded and as nothing remains in this writ petition, the writ petition is disposed of.

September 10, 2004.

(V.V.S. RAO, J)

YS

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Commissioner, Nellore Municipality,
Nellore, Nellore District.
2. Two C.D. copies.